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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Guadalupe Raya, individually and as)
Successor in Interest,)
Plaintiff,)

vs.)

County Of Ventura, Ventura County Sheriff)
Geoff Dean, California Forensic Medical)
Group, Incorporated, Geronimo Solorzano,)
and Does 1 through 100, inclusive,)
Defendants.)

Case No.: 2:15-cv-07673-CBM(JCx)

**FIRST AMENDED COMPLAINT FOR
DAMAGES:**

(1) 42 U.S.C. § 1983 - Violation of Civil
Rights

(2) Wrongful Death [C.C.P. §§377.60;
377.20]

(3) Americans With Disabilities Act
Violation

(5) California Government Code § 845.6

(5) Negligence

(6) Medical Malpractice

DEMAND FOR JURY TRIAL

1 Plaintiff Guadalupe Raya, Individually and as Successor In Interest, alleges as follows:

2
3 I.

4 JURISDICTION

5 1. Jurisdiction over the claims asserted herein is based upon federal subject
6 matter jurisdiction [42 U.S.C. § 1983] pursuant to 28 U.S.C. §§ 1331 and 1343(3).

7
8 II.

9 VENUE

10 2. Venue in the United States District Court, Central District of California, is
11 based upon 28 U.S.C. § 1391(a) (2) in that a substantial part of the events giving rise to
12 the claims occurred in this district.

13
14 III.

15 PARTIES

16 A. Plaintiff.

17 3. Plaintiff Guadalupe Raya ("Raya") is now, and at all times herein mentioned
18 was, an individual residing in the City of Oxnard, County of Ventura, State of California.
19 Raya is the natural mother of decedent Edgar Solorzano and is his sole successor in
20 interest.

21 B. Defendants.

22
23 4. Defendant County of Ventura ("Ventura County") is now, and at all times
24 herein mentioned was, a governmental entity duly organized and existing under the
25 laws of the State of California and which oversees, owns, operates, manages, directs
26 and controls defendant Ventura County Sheriff's Department ("VCSD"), an agency of
27 Ventura County.
28

1 5. Defendant Ventura County Sheriff Geoff Dean ("Sheriff Dean") is now, and at
2 all times herein mentioned was, the Sheriff of Ventura County and was responsible for
3 the management, supervision, control and policy making at Ventura County Jail ("VCJ")
4 and for the supervision and training of peace officers employed by VCSD. Sheriff Dean
5 is responsible for the care, custody, control and safekeeping of inmates in his custody.
6 California Government Codes §§ 26605, 26610; California Penal Code § 4006. Sheriff
7 Dean is responsible for: (1) the management and control of Ventura County Jail; (2) the
8 selection, promotion, supervision, training, discipline and retention of agents and
9 employees working for VCJ, including custodial staff, counselors, advisors, nurses,
10 doctors, physician assistants, medical staff, mental health staff, education staff and
11 supervisors; and (3) the implementation of policies and procedures at VCJ.

12
13 6. Defendant California Forensic Medical Group, Incorporated ("CFMG") is now,
14 and at all times herein mentioned was, a California corporation providing medical
15 services and staff to Ventura County, VCSD and VCJ.

16
17 7. Defendant Geronimo Solorzano is now, and at all times herein mention was, a
18 resident of the City of Oxnard, County of Ventura, State of California. Geronimo
19 Solorzano is the natural father of decedent Edgar Solorzano and is named pursuant to
20 C.C.P. § 382. Geronimo Solorzano abandoned Edgar Solorzano before age nine, had
21 no contact with Edgar Solorzano since that time, and is not entitled to damages herein.

22
23 8. The true names and capacities, whether individual, corporate, associate, or
24 otherwise, of Defendants sued herein as Does 1 through 100, inclusive, are unknown to
25 Plaintiff, who therefore sues said Defendants by such fictitious names. Plaintiff will
26 amend this complaint to show such true names and capacities when she has
27 ascertained the same. Plaintiff is informed, believes and thereupon alleges that each
28

1 Doe Defendant named herein is, in some manner, legally responsible for the acts
2 complained of. Does 1 through 25 are VCSD and/or VCJ employees and staff. Does 26
3 through 50 are VCSD and/or VCJ executive, management, and/or policy making staff
4 and employees. Does 51 through 75 are CFMG medical doctors and/or mental health
5 professionals. Does 76 through 100 are CFMG nurses, psych nurses, and/or
6 employees and staff.

7
8 9. At all times herein mentioned Defendants, and each of them, were the agents,
9 servants and employees of each of the Co - Defendants, and in doing the things herein
10 mentioned were acting within the purpose, course and scope of their authorities and
11 employment as such agents, servants and employees, and with the permission and
12 consent of said Co- Defendants.

13
14 10. Plaintiff filed a governmental tort claim for money damages with Ventura
15 County as required by the controlling sections of the California Government Code. The
16 claim was rejected on July 23, 2015 and this complaint is timely filed.

17
18 11. The acts and omissions of all defendants were engaged in maliciously,
19 callously, oppressively, wantonly, and with deliberate indifference to the rights of
20 decedent Solorzano.

21
22
23 **II.**

24 **STATEMENT OF FACTS**

25
26 12. Edgar Solorzano was born on October 6, 1983. Mr. Solorzano was 31 years
27 old at the time of his suicide while incarcerated in the Ventura County Jail. Mr.
28 Solorzano had a prior suicide attempt while in custody at the Ventura County Jail in or

1 about 2007.

2
3 13. Mr. Solorzano was originally arrested for allegedly releasing six (6) canaries,
4 valued at approximately \$150.00, from an aviary owned by his neighbor Eva Tamayo.
5 Mr. Solorzano was subsequently arrested for "terrorist threats" after allegedly
6 threatening Tamayo. Plaintiff is informed, believes and thereupon alleges that Ms.
7 Tamayo is bipolar, delusional and there is substantial evidence that Ms. Tamayo's
8 allegations were fabricated.

9
10 14. Mr. Solorzano's bail was withdrawn and he was returned to custody at the
11 VCJ on October 3, 2014. VCJ staff requested that Mr. Solorzano be seen by "psych"
12 staff related to bizarre behavior while on the booking floor.

13
14 15. In VCJ medical records dated October 6, 2014, Mr. Solorzano stated: "I feel
15 paranoid. I have not slept in days." The same record reflects, under the suicidality
16 section, that Mr. Solorzano "hung himself" at the Todd Road Jail facility seven years
17 ago.

18
19 16. On March 10, 2015, Mr. Solorzano filled out a Request for Medical Care. The
20 reason for the request was: "Can I please see a psychologist... having mood swings..."
21 Plaintiff is informed, believes and thereupon alleges that Mr. Solorzano never saw a
22 psychologist, psychiatrist or medical doctor and, instead, was merely treated by nurses
23 and/or "psych nurses," if treated at all. There is no indication Mr. Solorzano was ever
24 seen by a psychologist, psychiatrist or licensed medical doctor. There is no indication
25 Mr. Solorzano was ever properly diagnosed, or diagnosed at all. Plaintiff is informed,
26 believes and thereupon alleges that Mr. Solorzano was not properly prescribed, or
27 provided, appropriate medications for his mental health disorder.

1 17. On March 12, 2015, Mr. Solorzano complained of having mood swings. "I
2 could cry, then get happy." Mr. Solorzano was to be further evaluated for medications.
3 On March 16, 2015, Mr. Solorzano again complained of mood swings, being depressed
4 and having anxiety. VCJ medical records on this date reflect that Mr. Solorzano
5 previously attempted suicide. On or about April 3, 2015, Mr. Solorzano was placed on
6 topomax. By April 10, 2015, Mr. Solorzano was refusing to take topomax.

7
8 18. On April 16, 2015, Mr. Solorzano made suicidal statements. CFMG psych
9 staff noted: "Suicidal inmate. I am seeing things, I am getting delusional, I see demons
10 eating my brain. Its colorful like the rainbow... I need to go to Patton. I was going to kill
11 myself. I tried to hang myself this morning. I have the blade ready to kill myself tonight.
12 It was going to be perfect." Despite these revelations by Mr. Solorzano, Mr. Solorzano
13 was simply placed in a safety cell level I.

14
15 19. The following day, on April 17, 2015, Mr. Solorzano asked to get out of the
16 safety cell, denying suicidal statements or ideation. The safety precautions were
17 discontinued and Mr. Solorzano was taken out of the safety cell. Plaintiff is informed,
18 believes and thereupon alleges that Mr. Solorzano never saw a psychologist,
19 psychiatrist or medical doctor and, instead, was merely treated by nurses and "psych
20 nurses" following his threat to commit suicide.

21
22 20. Due to the concerns of Mr. Solorzano's criminal defense attorney, a
23 California Penal Code § 1368 hearing was held to determine Mr. Solorzano's
24 competency to stand trial. On April 29 2015, the court determined that Mr. Solorzano
25 was not competent, noted that Mr. Solorzano consented to the administration of
26 psychotropic medication and ordered him placed at Patton State Hospital.

1 21. On May 14, 2015, Mr. Solorzano again complained of seeing things, but was
2 apparently unable to elaborate. He was then dragged down the hall by multiple
3 deputies, allegedly for being loud and resisting. On May 15, 2015, Mr. Solorzano told a
4 CFMG psych nurse: "I am hearing different things. They are not words. Can I be yellow
5 band? I do not want to be around red banders. I change my moods. I stay up all night
6 and then feel weird." Despite this admission of his psychotic state, nothing was done for
7 Mr. Solorzano.

8
9 22. On May 19, 2015, there was a suicidal quad call. Mr. Solorzano stated: "I
10 see a little creature. Meds make me feel more scattered. I want to go to medical. I like it
11 better there." Despite this admission of his psychotic state, nothing was done for Mr.
12 Solorzano.

13
14 23. On May 25, 2015, Edgar Solorzano hung himself in the Ventura County Jail
15 at approximately 4:30 a.m. using a blade and bed sheet, just as he had stated on April
16 16, 2015. Plaintiff is informed, believes and thereupon alleges that on two separate
17 occasions, decedent was placed in the "hole" (administrative segregation) for up to four
18 weeks on each occasion. One of these instances occurred within weeks of decedent's
19 suicide and both contributed to decedent's rapidly deteriorating mental health condition.

20
21 24. On May 26, 2015, the Ventura County Medical Examiner's Office performed
22 an autopsy and determined that the cause of death was asphyxia by hanging and that
23 the manner of death was suicide.

24
25 25. Plaintiff is informed, believes and thereupon alleges that Sheriff Dean is
26 regularly provided with reports concerning the treatment of mentally ill inmates,
27 improper classification of inmates, jail suicides and other violations involving the
28 housing, care, mental health care, and treatment of inmates at VCJ. Sheriff Dean is

1 sued in his individual capacity, as a supervisor, for his own culpable action or inaction in
2 the training, supervision or control of his subordinates, or his acquiescence in the
3 constitutional deprivations conduct that showed reckless or callous indifference for
4 others. Sheriff Dean's affirmative conduct involves: (1) his knowing failure to ensure
5 enforcement of policies, rules or directives that set in motion a series of acts by others
6 which he knew, or reasonably should have known, would cause others to inflict a
7 constitutional injury on Mr. Solorzano; (2) allowing the policy of placing inmates with
8 severe mental illness in solitary confinement for weeks on end, thereby significantly
9 exacerbating the isolated inmate's psychosis.

10
11 26. At all times herein mentioned, Mr. Solorzano was a pre-trial detainee
12 suffering from a serious, but treatable mental illness. Upon booking at VCJ and
13 thereafter, custodial staff and personnel knew, or should have known: (1) that Mr.
14 Solorzano had a serious but treatable mental and medical illness; (2) that decedent's
15 mental health was deteriorating and that decedent needed immediate medical and
16 psychiatric care and/or a higher level of medical and psychiatric care, but failed to do
17 so. VCJ custodial and medical staff ignored and/or disregarded their duties and
18 responsibilities for decedent's urgent medical needs.

19
20 27. Despite Mr. Solorzano's prior suicide attempt while in VCJ, his request for
21 psychiatric care, his statement that he had a plan to commit suicide by hanging with a
22 bed sheet and a blade (both of which he subsequently used), and his obviously
23 deteriorating psychiatric condition, defendants did nothing. By placing Mr. Solorzano in
24 the "hole," defendants contributed to and exacerbated Mr. Solorzano's mental and
25 medical condition. Defendants failed to properly classify, house, monitor or provide
26 reasonable security. Defendants failed to provide Mr. Solorzano medical and psychiatric
27 care for his suicidal and psychiatric disabilities, and failed to refer decedent to a
28 specialist, psychologist, psychiatrist or anyone other than psych nurses. Defendants

1 failed to properly transfer Mr. Solorzano to Patton State Hospital or to any other public
2 or private treatment facility or to place him on outpatient status as specified in Penal
3 Code §1600.

4
5 **III.**

6 **FIRST CLAIM FOR RELIEF**

7 **42 U.S.C. §1983 VIOLATIONS**

8 **(Plaintiff v. All Defendants)**
9

10 28. Plaintiff repeats and realleges paragraphs 1 through 27, inclusive, as though
11 set forth full herein.
12

13 29. 42 U.S.C. § 1983 provides in part: "Every person who, under color of any
14 statute, ordinance, regulation, custom, or usage, of any state.... subjects, or causes to
15 be subjected, any citizen of the United states or other person within the jurisdiction
16 thereof to the deprivation of any rights, privileges, or immunities secured by the
17 Constitution and laws shall be liable to the party injured in an action at law , suit in
18 equity, or other proper proceeding for redress..."
19

20 **COUNT I - 14TH AMENDMENT- MEDICAL CARE**
21

22 30. The Fourteenth Amendment imposes duties on custodial and law
23 enforcement officials to provide humane conditions of confinement; to ensure that
24 inmates receive adequate food, clothing, shelter, and medical care; and to take
25 reasonable measures to guarantee the safety of inmates. A custodial official's
26 deliberate indifference to a pretrial detainee's medical needs constitutes a violation of
27 the Fourteenth Amendment's Due Process clause. *Clouthier v. County of Contra Costa*
28 (9th Cir. 2010) 591 F.3d 1232, 1242,. A serious medical need is present whenever the

1 failure to treat the prisoner's condition could result in further significant injury or the
2 unnecessary and wanton infliction of pain.

3
4 31. Defendants CFMG, Does 1 through 25 and Does 51 through 100, acting
5 under color of state law in their individual capacities, deprived Mr. Solorzano of the
6 rights, privileges, and immunities secured by the Fourteenth Amendment of the United
7 States Constitution by subjecting him, or through their deliberate indifference allowing
8 others to subject him to, delay and denial of access to medical and mental health care
9 for a serious but treatable medical and mental health condition. These named
10 defendants knew, or must have known: (1) that Mr. Solorzano's mental health condition
11 was serious but treatable; (2) knew or must have known that Mr. Solorzano had
12 previously attempted suicide while at VCJ; (3) that there was a Court Order finding Mr.
13 Solorzano incompetent to stand trial and ordering that he be transferred to Patton State
14 Hospital; (3) that placing Mr. Solorzano in segregated isolation ("hole") would
15 exacerbate Mr. Solorzano's psychotic condition; (4) that Mr. Solrozano had threatened
16 to commit suicide on April 16, 2015 while in custody; (5) that Mr. Solorzano had
17 threatened to hang himself with bed sheets and cut himself with a blade; (6) that placing
18 Mr. Solorzano in a cell by himself with cloth sheets and lacking suicide precautions
19 would enable Mr. Solorzano to commit suicide; and (7) that Mr. Solorzano was never
20 seen by a doctor, psychologist, psychiatrist or other specialist while incarcerated at VCJ
21 and, instead, was treated by nurses or psych nurses.

22
23 32. As a direct and proximate result of these named defendants' acts and/or
24 omissions plaintiff, individually, sustained the following injuries: (1) wrongful death of
25 Edgar Solorzano; (2) hospital, medical and burial expenses; (3) loss of support, familial
26 relationships, love, companionship, comfort, affection, consortium, society, services,
27 solace and moral support; (4) emotional distress; and (5) all damages and penalties
28 available pursuant to 42 U.S.C. §§1983 and 1988 and as otherwise allowed under

1 California and federal statutes, codes and common law. Plaintiff is seeking
 2 \$2,000,000.00 in damages.

3
 4 33. As a further direct and proximate result of these named defendants' acts
 5 and/or omissions, plaintiff Guadalupe Raya, as successor in interest to the Estate of
 6 Edgar Solorzano, sustained the following injuries and damages: (1) hospital, medical
 7 and burial expenses; (2) Edgar Solorzano's loss of life; and (3) all damages and
 8 penalties available pursuant to 42 U.S.C. §§1983 and 1988 and as otherwise allowed
 9 under California and federal statutes, codes and common law. Plaintiff is seeking
 10 \$2,000,000.00 in damages.

11
 12
 13 34. The conduct of said defendants was despicable, fraudulent, malicious,
 14 oppressive and in reckless and/ or conscious disregard of the rights of decedent,
 15 entitling plaintiff to punitive and exemplary damages in an amount sufficient to punish
 16 said defendants and to deter similar wrongdoing by others.

17 18 **COUNT II -MUNICIPAL LIABILITY**

19 **(Plaintiff v. Ventura County)**

20 35. Plaintiff is informed, believes and thereupon alleges that, at all times herein
 21 mentioned, defendant Ventura County, with deliberate indifference and conscious and
 22 reckless disregard for the safety, security and constitutional and statutory rights of Mr.
 23 Solorzano, engaged in the unconstitutional conduct and omissions as set forth
 24 hereinbefore. Ventura County authorized or ratified the wrongful acts of the individual
 25 defendants herein. The individual defendants' wrongful conduct was the result of
 26 policies, practices and customs to subject inmates of VCJ to unconstitutionally
 27 inadequate treatment for inmates' mental health conditions and permitted and promoted
 28 unsafe conditions for inmates leading to a heightened risk of suicide. The actions and

1 inactions of VCSD and its custody staff were known, or should have been known, to the
2 policy makers of Ventura County.

3
4 36. The customs, policies, practices and/or procedures of VCSD, which were
5 directed, encouraged, allowed and/ or ratified by policy making officers for Ventura
6 County, include, but are not limited to: (1) to deny inmates at VCSD medical and
7 psychiatric care and treatment; (2) to fail to properly classify, house and/or monitor
8 inmates at VCSD suffering from a mental health disability; (3) to fail to provide mental
9 health care for inmates with serious mental health issues; (4) to fail to use appropriate
10 and generally accepted jail procedures for handling suicidal, mentally ill and/or
11 emotionally disturbed inmates; (5) to fail to institute or require and enforce proper and
12 adequate training, supervision, policies and procedures concerning the handling of
13 mentally ill and/or emotionally disturbed inmates at VCJ; and (6) to allow, tolerate,
14 and/or encourage a "code of silence" among law enforcement officers and sheriff
15 department personnel.

16
17 37. As a direct and proximate result of these named defendants' acts and/or
18 omissions, plaintiff, individually, sustained the following injuries: (1) wrongful death of
19 Edgar Solorzano; (2) hospital, medical and burial expenses; (3) loss of support, familial
20 relationships, love, companionship, comfort, affection, consortium, society, services,
21 solace and moral support; (4) emotional distress; and (5) all damages and penalties
22 available pursuant to 42 U.S.C. §§1983 and 1988 and as otherwise allowed under
23 California and federal statutes, codes and common law. Plaintiff is seeking
24 \$2,000,000.00 in damages.

25
26
27 38. As a further direct and proximate result of these named defendants' acts
28 and/or omissions, plaintiff Guadalupe Raya, as successor in interest to the Estate of

1 Edgar Solorzano, sustained the following injuries and damages: (1) hospital, medical
2 and burial expenses; (2) Edgar Solorzano's loss of life; and (3) all damages and
3 penalties available pursuant to 42 U.S.C. §§1983 and 1988 and as otherwise allowed
4 under California and federal statutes, codes and common law. Plaintiff is seeking
5 \$2,000,000.00 in damages.

6
7 39. The conduct of said defendants was despicable, fraudulent, malicious,
8 oppressive and in reckless and/ or conscious disregard of the rights of decedent,
9 entitling plaintiff to punitive and exemplary damages in an amount sufficient to punish
10 said defendants and to deter similar wrongdoing by others.

11 12 **COUNT III- SUPERVISORY LIABILITY**

13 **(Plaintiff v. Sheriff Dean and Does 26 through 50)**

14 40. These named defendants acted under color of law, the acts of these
15 defendants' subordinates deprived Mr. Solorzano of his state and federal rights as
16 alleged herein, and these named defendants directed their subordinates in the acts that
17 deprived Mr. Solorzano of his rights. These defendants set in motion a series of acts by
18 their subordinates that they knew, or should have known, would cause these
19 subordinates to deprive Mr. Solorzano of his state and federal rights; these named
20 defendants knew, or reasonably should have known, that their subordinates were
21 engaging in these acts and omissions; and these named defendants failed to act to
22 prevent their subordinates from engaging in such conduct.

23
24 41. Sheriff Dean and Does 26 through 50: (1) failed to properly train, assign,
25 supervise and guide their staff and medical personnel assigned to VCJ; (2) failed to
26 take immediate measures to transfer decedent to Patton State Hospital pursuant to
27 Court Order; (3) either participated in, knew of, or must have known of, their
28 subordinates' deliberate indifference in failing to properly classify, house and monitor

1 inmates suffering from mental health disabilities; (4) knew of the denial of access to
2 mental and health care and treatment to inmate patients, causing injury or death; (5)
3 failed to supervise the services for pretrial detainee inmates; (6) failed to have adequate
4 staff and personnel and had inadequate leadership and supervision; (7) failed to
5 provide care or access to medical or mental health for inmate patients with serious but
6 treatable medical and mental conditions; and (8) operated with inadequate safeguards ,
7 audits, or reporting requirements reviewable by supervisors.

8
9 42. As a direct and proximate result of these named defendants' acts and/or
10 omissions, plaintiff, individually, sustained the following injuries: (1) wrongful death of
11 Edgar Solorzano; (2) hospital, medical and burial expenses; (3) loss of support, familial
12 relationships, love, companionship, comfort, affection, consortium, society, services,
13 solace and moral support; (4) emotional distress; and (5) all damages and penalties
14 available pursuant to 42 U.S.C. §§1983 and 1988 and as otherwise allowed under
15 California and federal statutes, codes and common law.

16
17 43. As a further direct and proximate result of these named defendants acts
18 and/or omissions, plaintiff Guadalupe Raya, as successor in interest to the Estate of
19 Edgar Solorzano, sustained the following injuries and damages: (1) hospital, medical
20 and burial expenses; (2) Edgar Solorzano's loss of life; and (3) all damages and
21 penalties available pursuant to 42 U.S.C. §§1983 and 1988 and as otherwise allowed
22 under California and federal statutes, codes and common law.

23
24 44. The conduct of said defendants was despicable, fraudulent, malicious,
25 oppressive and in reckless and/ or conscious disregard of the rights of decedent,
26 entitling plaintiff to punitive and exemplary damages in an amount sufficient to punish
27 said defendants and to deter similar wrongdoing by others.

28 //

IV.

SECOND CLAIM FOR RELIEF

WRONGFUL DEATH [C.C.P. §§377.60; 377.20]

(Plaintiff v. All Defendants)

45. Plaintiff repeats and realleges paragraphs 1 through 27, inclusive, as though set forth full herein.

46. C.C.P. § 377.60 establishes a separate statutory cause of action in favor of specified heirs of a person who dies as a result of the “wrongful act or neglect” of another. The specified heirs are entitled to recover damages on their own behalf for the loss they have sustained by reason of the victim’s death. *Corder v. Corder* (2007) 41 Cal.4th 644, 651; *Fitch v. Select Products Co.* (2005) 36 Cal.4th 812, 819. A wrongful death claim is separate and distinct from the victim’s action which “survives” to the estate pursuant to C.C.P. § 377.20. Therefore, plaintiff Guadalupe Raya is proceeding on her own wrongful death claim as well as the survival action in her capacity as the successor in interest to the estate of Edgar Solorzano.

47. Plaintiff Raya is statutorily entitled and has standing to proceed pursuant to C.C.P. § 377.60(a). Plaintiff Raya is the natural mother of decedent, who was not married, had no domestic partner and had no issue. *Chavez v. Carpenter* (2001) 91 Cal.App.4th 1433, 1440. Further, plaintiff Raya was dependent upon the victim to a degree at the time of his death. C.C.P. §377.60(b). Decedent resided with plaintiff at the time of his death and contributed to plaintiff’s necessities of life.

48. Defendants, and each of them, acted negligently, with gross negligence, intentionally, wantonly and with culpable and callous disregard for the rights and life of Mr. Solorzano. Plaintiff specifically incorporates herein by reference each paragraph contained in every other claim for relief set forth herein.

1 U.S.C. §12101(a)(2).

2
3 53. Edgar Solorzano was a “qualified individual” with a mental impairment that
4 substantially limited his ability to care for himself and control his mental, medical or
5 physical health condition as defined under the Americans with Disabilities Act (ADA), 42
6 U.S.C. §12131(2), under §504 under Rehabilitation Act of 1973 (RH), 29 U.S.C. §794
7 and California Civil Code § 51 et seq. Mr. Solorzano qualified as an individual with a
8 disability and he met the essential eligibility requirements of Ventura County and
9 VCSD’s programs to provide mental/medical health services for its inmate patients at
10 VCJ.

11
12 54. Defendant Ventura County, VCSD and VCJ are a place of public
13 accommodation and a covered entity for purposes of enforcement of the ADA, 42
14 U.S.C. §12131(2), §504 of the Rehabilitation Act of 1973, and California Civil Code § 51
15 et seq.

16
17 55. Defendant Ventura County “engaged in the business of... health care” and
18 provided custody for persons whose “operations” fall within the definition of “program or
19 activity” covered by the Rehabilitation Act, 29 U.S.C. §794(b).

20
21 56. Under the ADA, Ventura County is mandated to “develop an effective,
22 integrated, comprehensive system for the delivery of all services to persons with mental
23 disabilities and developmental disabilities...” and to ensure “that the personal and civil
24 rights” of persons who are receiving services under its aegis are protected.

25
26 57. Ventura County is mandated under the ADA to not discriminate against any
27 qualified individual on the basis of disability in the full and equal enjoyment of the
28 goods, services, facilities, privileges, advantages, or accommodations of any place of

1 public accommodation.” 42 U.S.C. §12182(a).

2
3 58. Defendant Ventura County receives federal financial assistance for their jails
4 and therefore must comply with the mandates of the Rehabilitation Act, which specifies
5 that “program or activity” means all of the operations of a department, agency, special
6 purpose district, or other instrumentality of a state or local government.

7
8 59. Defendant Ventura County, and other defendants, violated the ADA, RA and
9 Cal. Civ. Code §51 et seq. and deprived Mr. Solorzano of his federal and state
10 protected rights by: (a) creating and maintaining a number of programs and services to
11 protect the mentally disabled that operate in conjunction with VCJ; (b) failing to provide
12 services or accommodate Mr. Solorzano with access to the programs and services of
13 Ventura County within VCJ for persons who qualify for services under California and
14 federal law; (c) failing to provide services or accommodate Mr. Solorzano with
15 appropriate classification, housing and monitoring for a person in their sole and
16 exclusive custody who they knew was mentally disabled; (d) failing to provide
17 reasonable accommodations to people in custody with mental disabilities in their jail
18 and, instead, providing quality of care and service that is different, separate and that is
19 worse than the service provided to other individuals with the same disability; and (e)
20 failing to properly train its deputies, medical and mental health staff, employees and
21 officers on how to peacefully respond, treat and interact with disabled persons such as
22 Mr. Solorzano.

23
24 60. Mr. Solorzano was denied the services, programs and activities of Ventura
25 County which deprived him of mental health and medical health programs and services
26 which would have provided the delivery of treatment, follow- up and supervision. This
27 denial of programs and services was the result of his disability in that he was
28 discriminated against because he was mentally ill and gravely disabled, in that he

1 suffered from conditions in which a person, as a result of a mental disorder, is unable to
2 provide for his basic personal needs and to protect himself from self- harm. Defendants
3 failure to properly train their employees and the denial of mental and medical health
4 care treatment, follow- up, training and supervision resulted in the violation of Mr.
5 Solorzano's constitutional rights.

6
7 **VI.**

8 **FOURTH CLAIM FOR RELIEF**

9 **CALIFORNIA GOVERNMENT CODE §845.6**

10 **(Plaintiff v. Ventura County and Does 1 through 25)**
11

12 61. Plaintiff repeats and realleges paragraphs 1 through 27, inclusive, as though
13 set forth full herein.
14

15 62. Government Code § 845.6 provides in pertinent part: "[A] public employee,
16 and the public entity where the employee is acting within the scope of his employment,
17 is liable if the employee knows or has reason to know that the prisoner is in need of
18 immediate medical care and he fails to take reasonable action to summon such medical
19 care."
20

21 63. Doe defendants 1 through 25 are VCSD and/or VCJ staff and employees
22 who knew, or had reason to know: (1) that Mr. Solorzano was in need of immediate
23 and/or a higher level of medical and psychiatric care, treatment, observation and
24 monitoring; (2) that he required special housing and security for his safety and well
25 being; (3) that Mr. Solorzano should not have been placed in the "hole" nor housed in a
26 single-man cell.
27

28 64. Each of these named defendants failed to take reasonable action to: (1)

1 summon and/or to provide Mr. Solorzano access to medical and psychiatric care and
2 treatment; and (2) provide Mr. Solorzano monitoring and housing accommodations as
3 indicated under the circumstances. These named defendants failed to take reasonable
4 action to provide Mr. Solorzano access to such care, treatment, monitoring and housing
5 as his circumstances required, all in violation of California Government Code §845.6.
6

7 65. As a legal and proximate cause of the aforementioned acts of these named
8 defendants, Mr. Solorzano committed suicide. Plaintiff was injured as set forth herein
9 and her losses entitle her to damages, in an amount according to proof, according to
10 California law.
11

12 **VII.**

13 **FIFTH CLAIM FOR RELIEF**

14 **NEGLIGENCE**

15 **(Plaintiff v. Sheriff Dean, CFMG, Does 1 through 100)**
16

17 66. Plaintiff repeats and realleges paragraphs 1 through 27, inclusive, as though
18 set forth full herein.
19

20 67. Cal. Civ. Code § 1714(a) provides that: "Everyone is responsible, not only for
21 the result of his wilful acts, but also for the injury occasioned to another by his want of
22 ordinary care or skill in the management of his property or person..." Defendants had a
23 duty to: (1) render access and delivery of mental and medical care, treatment and/or
24 emergency services to Mr. Solorzano for his mental health condition; and (2) provide
25 reasonable security, housing and monitoring of Mr. Solorzano as he was in their care,
26 custody and control and under their sole and exclusive medical care and treatment.
27

28 68. Negligence consists of acts or omissions which are not compatible with the

1 standard of care exercised by a reasonable man of ordinary prudence. Defendants
2 breached their duties by failing to properly house, monitor, care for, provide appropriate
3 medical care and treatment and to ensure Mr. Solorzano did not engage in self- harm.
4

5 69. As a direct and proximate result of the negligence of defendants, whose acts
6 were a substantial factor in bringing about the suicide of Mr. Solorzano, plaintiff has
7 suffered, and will continue to suffer, loss of comfort, society and companionship,
8 together with the monetary and financial assistance decedent may have provided. As a
9 further legal and proximate result, plaintiff, in her individual and representative
10 capacities, has been damaged in an amount according to proof.
11

12 **VIII.**

13 **SIXTH CLAIM FOR RELIEF**

14 **MEDICAL MALPRACTICE**

15 **(Plaintiff v. CFMG and Does 51 through 100)**
16

17 70. Plaintiff repeats and realleges paragraphs 1 through 27, inclusive, as though
18 set forth full herein.
19

20 71. During the time that defendants provided medical and mental care to
21 decedent Edgar Solorzano, they held themselves out to be members of the medical
22 profession and/or nurses, technicians or other medical personnel, in that they were to
23 provide health care, services and treatment within the standard of care.
24

25 72. These named defendants, and each of them, negligently rendered medical
26 services, failed to render medical services and failed to conform to the standard of care
27 required of them in rendering care to, or in rendering professional services to, decedent
28 Edgar Solorzano as more fully described hereinbefore. As a result of such negligence,

1 Mr. Solorzano committed suicide.

2
3 73. As a direct and proximate result of the afformentioned conduct of these
4 named defendants, and each of them, plaintiff has suffered, and will continue to suffer,
5 loss of comfort, society and companionship, together with the monetary and financial
6 assistance decedent would have provided.

7
8 74. As a further direct and proximate result of the afformentioned conduct of
9 these named defendants, and each of them, plaintiff was compelled to, and did, incur
10 burial and other pecuniary damages in an amount according to proof.

11
12 **WHEREFORE**, Plaintiff prays for judgment against Defendants, and each of
13 them, as follows:

14
15 **FIRST CLAIM FOR RELIEF**

- 16 1. For general damages, in an amount according to proof;
17 2. For special damages, in an amount according to proof;
18 3. For punitive damages;
19 4. For statutory damages;
20 5. For prejudgement interest;
21 6. For attorney's fees and costs of suit; and
22 7. For such other and further relief as the Court may deem just and proper.

23
24 **SECOND CLAIM FOR RELIEF**

- 25 1. For general damages, in an amount according to proof;
26 2. For special damages, in an amount according to proof;
27 3. For punitive damages;
28 4. For costs of suit incurred herein; and

1 5. For such other and further relief as the Court may deem just and proper.

2
3 **THIRD CLAIM FOR RELIEF**

4 1. For compensatory damages, in an amount according to proof;

5 2. For treble damages;

6 3. For punitive damages;

7 4. For costs of suit incurred herein;

8 5. For attorney's fees;

9 6. For statutory damages; and

10 7. For such other relief as the court may deem just and proper.

11
12 **FOURTH CLAIM FOR RELIEF**

13 1. For compensatory damages, in an amount according to proof;

14 2. For statutory damages, in an amount according to proof;

15 3. For punitive damages;

16 4. For costs of suit; and

17 5. For such other and further relief as the Court may deem just and proper.

18
19 **FIFTH CLAIM FOR RELIEF**

20 1. For general damages in an amount according to proof;

21 2. For special damages, in an amount according to proof;

22 3. For costs of suit incurred herein; and

23 4. For such other and further relief as the Court may deem just and proper.

24 //

25 //

26 //

27 //

SIXTH CLAIM FOR RELIEF

1. For general damages in an amount according to proof;
2. For special damages, in an amount according to proof;
3. For costs of suit incurred herein; and
4. For such other and further relief as the Court may deem just and proper.

DATED: _____, 2015

By: _____
Brian A. Osborne
Attorney for Plaintiff

PLAINTIFF DEMANDS A JURY TRIAL

DATED: _____, 2015

By: _____
Brian A. Osborne
Attorney for Plaintiff